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IN THE

Supreme Court of the United States

OCTOBER TERM, 1963.

No. 324

TIME, INCORPORATED,

Petitioner,

vs.

FRANK PAPE,

Respondent.

ON CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT.

PETITIONER'S REPLY BRIEF.

HOWARD ELLIS,
DON H. REUBEN,
of
KIRKLAND, ELLIS, HODSON, CHAFFETZ
& MASTERS,
130 E. Randolph Drive,
Chicago 1, Illinois,
Attorneys for Petitioner,
Time, Incorporated.

THE BLAKELY-WARREN PRINTING COMPANY, CHICAGO

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We believe respondent's brief is a most persuasive demonstration of the critical need to clarify the Seventh Circuit's decision. Respondent's efforts to decipher what that opinion holds with regard to *Monroe* v. *Pape* are a preview of the controversy that must occur in the trial court unless the Seventh Circuit is required by this Court to clarify its holding. We believe it is pointless to join in respondent's speculations as to what was decided below; only the Court of Appeals can provide that answer.

Respondent's suggestion that the question presented in our petition was not seasonably raised below is without substance. The problem was first raised by the opinion

of the Seventh Circuit itself: *Time* availed itself of the only opportunity it had to request clarification before coming to this Court, *i.e.*, in the petition for rehearing.

Conclusion

We respectfully request that the Court grant certiorari and forthwith remand the case to the Court of Appeals for clarification of that portion of its opinion dealing with the judgment in *Monroe* v. *Pape*.

Respectfully submitted,

HOWARD ELLIS,
DON H. REUBEN,
of
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS,
130 E. Randolph Drive,
Chicago 1, Illinois,
Attorneys for Petitioner,
Time, Incorporated.